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- (By
Serial)*
- (i) ZO124 transformed with pRS316-pMET3-PKC1, pRS316-F₁F₂-pMET3-PKC1 or pRS316-F₁F₂-TRP1-pMET3-PKC1;
 - (ii) ZO123 transformed with pRS316-pMET3-PKC1 or pMET3-PKC1 containing fragments derived from pRS316-F₁F₂-pMET3-PKC1 or pRS316-F₁F₂-TRP1-pMET3-PKC1; and
 - (iii) yeast strain ZO-126.
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*(By
Serial)*

37. (Amended) A yeast cell containing the *PKC1* gene or a functional derivative thereof operatively linked to a heterologous inducible promoter and the *SRB1/PSA1* gene or a functional derivative thereof operatively linked to a heterologous promoter.

REMARKS

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

The verbal election of the claims of Group I is hereby affirmed.

Claims 1-12, 35, 37 and 38 stand rejected under 35 USC 112, first and second paragraphs. Withdrawal of the rejections is submitted to be in order for the reasons that follow.

The use of the phrase 'functional derivatives' is justified by the contribution made to the art by Applicants. Further, the meaning of the phrase would be understood by one skilled in the art.

It would be inequitable if a third party could avoid infringing Applicants rights by simply introducing a trivial modification into the gene sequence of *SRB1/PSA1* or *PKC1*. For instance, base changes in non-coding regions or even changes effecting the coding sequences of the gene (which nevertheless do not adversely alter the activity of the protein expressed therefrom) would result in a functional derivative of the natural gene

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over which Applicants are entitled to protection, given the new found uses for the yeast cells according to the method of the invention.

Both *SRB1/PSA1* and *PKC1* mutants are known to the art (although genes placed under the regulation of an inducible promoter as defined by claims 35 and 36 are not known). Given that a skilled person would recognize the *SRB1/PSA1* or *PKC1* gene (sequences are available from public databases), it would not be an undue burden for them to assess whether or not a DNA molecule, or a product thereof, was a functional derivative of these genes. For instance, this could be done by simply comparing base sequences on conventional computer programs written for this purpose.

In view of the above, reconsideration is requested.

The claims have been revised to correct the typographical error noted by the Examiner. A Supplemental Amendment will follow introducing appropriate correction into the specification.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached pages are captioned "Version With Markings To Show Changes Made."

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This application is submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

1. (Amended) A yeast cell containing the *SRB1/PSA1* gene and the *PKC1* gene or functional derivatives thereof each operatively linked to a heterologous [inducable] inducible promoter.

6. (Amended) The yeast cell according to claim 5 wherein the *PKC1* gene or functional derivative thereof operatively linked to an [inducable] inducible promoter is derived from a recombinant vector selected from pRS316-pMET3-*PKC1*, pRS316-F₁F₂-pMET3-*PKC1* or pRS316-F₁F₂-TRP1-pMET3-*PKC1*.

7. (Amended) The yeast cell according to claim 5 wherein the *SRB1/PSA1* gene or functional derivatives thereof operatively linked to an [inducable] inducible promoter is derived from the recombinant vector SRB1.9e.

8. (Amended) The yeast cell according to claim 7 wherein the *PKC1* gene or functional derivatives thereof operatively linked to an [inducable] inducible promoter is derived from a recombinant vector selected from pRS316-pMET3-*PKC1*, pRS316-F₁F₂-pMET3-*PKC1* or pRS316-F₁F₂-TRP1-pMET3-*PKC1*.

9. (Amended) A method of regulating yeast cell lysis comprising:
 - (i) growing yeast cells containing the *SRB1/PSA1* gene and the *PKC1* gene or functional derivatives thereof each operatively linked to an [inducable] inducible promoter in a growth medium which activates the [inducable] inducible promoter such that *SRB1/PSA1* and *PKC1* are expressed from said cells; and
 - (ii) when lysis is required, growing the cells in a modified growth medium which represses *SRB1/PSA1* and *PKC1* expression such that cell lysis is induced.

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11. (Twice Amended) The method according to claim 9 wherein the [inducable] inducible promoter is *pMET*, the growth medium is methionine-free and the modified growth medium contains methionine.

35. (Amended) A yeast cell containing the *PKC1* gene or functional derivatives thereof operatively linked to a heterologous [inducable] inducible promoter selected from the group consisting of:

- (i) ZO124 transformed with pRS316-p*MET3-PKC1*, pRS316-F₁F₂-p*MET3-PKC1* or pRS316-F₁F₂-TRP1-p*MET3-PKC1*;
- (ii) ZO123 transformed with pRS316-p*MET3-PKC1* or p*MET3-PKC1* containing fragments derived from pRS316-F₁F₂-p*MET3-PKC1* or pRS316-F₁F₂-TRP1-p*MET3-PKC1*; and
- (iii) yeast strain ZO-126.

37. (Amended) A yeast cell containing the *PKC1* gene or a functional derivative thereof operatively linked to a heterologous [inducable] inducible promoter and the *SRB1/PSA1* gene or a functional derivative thereof operatively linked to a heterologous promoter.